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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-eighth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 6 May 2002, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (continued) (E/C.12/4/Add.5, E/C.12/4/Add.7 and E/C.12/4/Add.8; E/C.12/Q/UK/2; HR/CESCR/NONE/2002/4; HRI/CORE/1/Add.5/Rev.2 and HRI/CORE/1/Add.62/Rev.1)

1. At the invitation of the Chairperson, Ms. Bismillah, Mr. Bodden, Mr. Fifoot, Ms. Kilpatrick, Mr. Kissack, Mr. Roberts, Mr. Robilliard, Mr. Steele and Ms. Todd took places at the Committee table.

Articles 6-9 of the Covenant (continued)

2. Mr. MARTYNOV, while welcoming the introduction in April 1999 of a minimum wage, expressed concern about the exclusion from its provisions of 16 and 17 year olds. According to the information at his disposal, some workers between 18 and 22 were excluded as well. Did the Government intend to extend the provisions of the minimum wage to such workers? In October 2000 some 300,000 workers had reportedly still been paid less than the minimum wage. Was there a plan to improve enforcement?

3. The Committee had in its previous concluding observations, issued in 1997, expressed concern about the State party's protection of the right to strike. Had the Government taken any action since 1997 to improve protection of the right to strike? The Employment Relations Act of 1999 stated that workers were protected from unfair dismissal if they took part in a "lawfully organized, official strike". What was the definition of a lawfully organized, official strike? Under the Regulation of Investigatory Powers Act, employers were authorized to read their workers' e-mail communications, a practice opposed by trade unions. That provision was apparently at variance with the new British Human Rights Act. Did the Government intend to amend the law? The trade unions had also requested the Government to change its position with regard to a European Union directive that entitled workers to be consulted on major changes, such as mergers or lay-offs, at enterprises with more than 50 employees. There were reportedly some 4 million workers in the United Kingdom who regularly worked more than five unpaid overtime hours per week. Did the Government intend to enforce regulations relating to overtime more strictly?

4. Why had the State party not acceded to the Equality of Treatment (Social Security) Convention, 1962 (No. 118) of the International Labour Organization (ILO)? Social security benefit levels were apparently inadequate, with income support falling to just 20 per cent of average earnings, from a level of about 30 per cent in the 1980s. What had accounted for the decline? Why was the level of the disability benefit only 72 per cent of the amount used to determine the poverty line? Lastly, the Committee had in its previous concluding observations

expressed concern at the high number of persons who had not applied to receive their social security benefits. The Government had in 1998 carried out an awareness campaign to inform pensioners of their entitlements. Had there been any progress in that regard?

5. Mr. AHMED noted that the State party had apparently taken into consideration the recommendation in the Committee's 1997 concluding observations that called for employers to be prohibited from differentiating between unionized and non-unionized employees in terms of pay. Why had it not also taken into consideration the concerns expressed regarding the treatment of the right to strike?

6. Mr. CEAUSU said that the State party had demonstrated its concern for the improvement of the social security network, but the resulting system appeared extremely unwieldy. He cited paragraph 9.18 of the report (E/C.12/4/Add.8) as an example of its complexity. With so many complicated elements to take into consideration, was there not a risk that the administrative cost would rise, to the detriment of the resources available for benefits? Did the complexity of the system make it inaccessible for the people who should benefit from it?

7. Ms. KILPATRICK (United Kingdom) said that it was necessary to differentiate between vocational training programmes provided by the New Deal, which targeted the long-term unemployed, and those provided under general provisions for the unemployed. Young people who had had to wait lengthy periods for vocational training had been covered by the former. The vast majority of unemployed people found new work within six months. For them, the Government had instituted the Work-Based Training for Adults programme.

8. As for the Government's efforts to tackle social inequality, the Government had recognized the need to assist people who faced special barriers to employment, and had established a number of programmes to address their needs. Special efforts were made for young people, for example by helping them to overcome drug addiction or homelessness, or by enhancing their skills and employability. Practical assistance was offered to communities with high unemployment, ranging from such simple support as helping an unemployed person dress for a job interview, to very complex matters such as drug rehabilitation.

9. The term "economically inactive population" was defined by ILO. In general terms it included people who were unable to work or who chose not to work because they had no economic need to do so, or because they had caring responsibilities. The level of job seekers' allowances varied according to the age, marital status and number of dependants of the applicant. The delegation did not currently have statistics on the number of immigrants and members of racial minorities who took part in employment programmes, but such statistics would be compiled and the information could be communicated later.

10. Regarding court cases involving the principle of equal pay, it should be remembered that such cases were not necessarily very representative. The Government took occupational safety and health very seriously. Inspectors from the Health and Safety Executive ensured that occupational safety and health standards were observed by employers, employees and self-employed workers. The delegation took note of the Committee's comments in respect of occupational safety and health.

11. The general legal provisions concerning working hours were not applicable to certain sectors and individuals, such as transport, work at sea, and doctors in training, as separate legislation applied. In addition, exceptions were made when collective agreements provided compensatory leave or in special circumstances, such as when workers were employed away from home and requested to schedule their work over fewer days. Workers engaged in surveillance work and the emergency services were entitled to compensatory rest, and were sometimes excluded from the provisions as well.

12. The next periodic report would include disaggregated data, as requested by the Committee. As for the lack of a minimum wage for workers under 18, the Government's prime concern was to encourage young people to stay in school. Those who left school should have the best possible opportunity for employment. Because of their lack of qualifications and experience, the Government feared that they would be less hireable if covered by the same minimum wage provision as other workers. It therefore had no plans to extend the minimum wage. The minimum wage provisions had been widely publicized and workers were entitled and encouraged to take cases of violations to industrial tribunals.

13. The Government conducted an ongoing review of ILO conventions, and its policy was to ratify them as soon as conditions permitted. As for any inadequacy of disability benefits, it was somewhat misleading to compare them to the poverty line because they were payable to the individual and did not take account of household income. They were not intended as income replacement benefits. A campaign had been carried out to inform pensioners of their entitlements under the Minimum Income Guarantee scheme, and as a result some 128,000 people had applied for benefits. The Government was still investing in reforms with a view to simplifying benefit claims forms and application procedures. The Minimum Income Guarantee was due to be subsumed in 2003 in a pension credit system, which should be fairer and less bureaucratic. Because the resources for the administration of the social security system were taken from a separate budget from those allotted for benefits, the complexity of the social security system did not have an adverse effect on the amount available for beneficiaries.

14. Ms. BISMILLAH (United Kingdom), speaking on behalf of the authorities of Jersey, said that the Government played an active role in ensuring that work opportunities existed for persons with special needs. The Employment and Social Security Committee allocated resources to support sheltered, therapeutic and other work programmes, with a budget exceeding £1.4 million, and a special service called "Workwise" had been established specifically to assist special groups such as disabled persons in finding employment. "Workwise" provided vocational assessment and job coaching. It included the involvement of employers from the private sector, and had so far helped to find placements for about 250 people. A code of practice for the workplace had been drafted; it included a number of initiatives aimed at increasing job opportunities for the disabled. Draft legislation on a minimum wage was currently in preparation. Consultations were being held to establish the level of the minimum wage, and a mechanism had been set up for its periodic review.

15. Mr. ROBILLIARD (United Kingdom), speaking on behalf of the authorities of Guernsey, said that there were no plans to introduce a minimum wage, as the authorities considered that market forces were sufficient to regulate wages. In Guernsey, there was nearly full employment. Waiters, the lowest paid workers, earned about £4.15 per hour. He did not have detailed

information on formal programmes for the employment of the disabled. However, the lack of unemployment allowed the disabled to find work fairly easily. Employers often provided specialist equipment to enable them to work, and voluntary organizations offered many services, often with government financing. Those disabled persons who were unable to work received disability benefits.

16. Mr. KISSACK (United Kingdom), speaking on behalf of the Isle of Man authorities, said that because the unemployment rate stood at about 0.5 per cent, employment prospects for people with mild disabilities were quite good. The authorities ran a centre for disabled persons which included vocational training services and provided a venue for those unable to find posts in the private sector. A disability employment service canvassed employers to find job opportunities. Since 1999, some £10,000 per year had been allotted by the Manx Parliament to help disabled individuals find work, in particular through the financing of special equipment, alterations to premises and the provision of transport. On 1 January 2002 a minimum wage had been introduced which was identical to that in the United Kingdom for people over 18. A lower minimum wage applied to workers who were 16 and 17 years old.

17. Mr. FIFOOT (United Kingdom) said that the Government's position on the right to strike was the same as it had been during consideration of the previous report, namely, that the right to strike was guaranteed insofar as it was exercised, as provided for by the Covenant, "in conformity with the laws of the ... country". By law, any person wishing to organize a strike must hold a ballot of workers who would take part in such action. It was considered that any dismissal resulting from a strike of any person within the first eight weeks of the industrial action would be unfair dismissal. Even after the eight-week period, such a dismissal would be considered as unfair unless the employer had taken all reasonable steps to resolve the dispute.

18. Referring to the new provision mentioned in paragraph 7.31 of the report (E/C.12/4/Add.8), he said there were parallel systems of contractual rights: the right not to be dismissed in the event of breach of contract by an employer and statutory rights. Under the latter system even if the employer had the right to dismiss an employee, he must be seen to have acted reasonably. Neither system had been affected by the new provision. The only change had been the reduction from two years to one year of the time worked by an employee before he or she was entitled to receive a written statement of dismissal. There had been no change in the legislation relating to the labour rights of asylum-seekers. The period during which asylum-seekers were prohibited from working remained six months.

19. Mr. STEELE (United Kingdom), regarding provisions for disabled persons in the workforce in the Overseas Territories, said that a study by a firm of independent consultants had recommended to the Government that all Territories should have adequate and acceptable provisions for the disabled, which, unfortunately, was not the case. Although the recommendation was being implemented, there had as yet been no outcome. Information on the situation in each individual Territory would be included in the fifth periodic report.

20. Mr. BODDEN (United Kingdom) said that in the Cayman Islands a special service provided training for the physically and mentally handicapped, after which they were assured of gainful employment. All laws governing labour relations prohibited discrimination of any kind against disabled persons in the workplace.

21. In addition, planning laws required buildings to have access ramps, and offices and businesses catering to the public were required to provide designated parking places for the disabled. The Cayman Islands was, therefore, well on its way to fulfilling its international obligations and the demands of the Universal Declaration of Human Rights with regard to the disabled.

22. Regarding the minimum wage, despite the fact that the Cayman Islands had until recently enjoyed full employment, a study - to determine a minimum wage by category particularly for the construction and hospitality sectors, rather than a single national wage - was in hand, and it was expected that legislation on a minimum wage would ensue.

23. Ms. TODD (United Kingdom) said that the Bermuda Human Rights Act 1981 had made discrimination on the ground of disability unlawful, while the Human Rights Amendment Act 2000 had expanded the definition of a disabled person. It had also removed the requirement that a person must be substantially disabled before he or she could lodge a complaint with the Human Rights Commission. The Amendment Act would explicitly include protection from discrimination based on certain disabilities or illnesses.

24. Under the Building Code, all public buildings must provide wheelchair access and special parking places so that persons with disabilities were not denied service. Statistics would be included in the fifth periodic report. The Government provided sheltered work for disabled persons.

25. Mr. MARTYNOV asked whether the delegation could confirm that the only criterion for the lawfulness of strike action was a ballot of prospective participants. Could it also comment on the allegation of the International Confederation of Free Trade Unions to the effect that it was virtually impossible to engage lawfully in a strike or boycott action in the United Kingdom. If that was indeed the case, were there plans to alter the situation?

26. He wished to know how the disability benefit compared with the minimum cost of living. In addition, he was aware that the extent to which employers were liable for salary payments in the event of sickness varied widely in the United Kingdom and its Overseas Territories. The relatively long period of 28 weeks' pay was offset by the low flat rate the employer must provide, equivalent to 15 per cent of average pay in the manufacturing industry. What were the authorities doing to enforce a higher level of sick pay from employers?

27. Ms. KILPATRICK (United Kingdom) said it was difficult to quantify the minimum cost of living. As far as she knew, the statutory flat rate of sick pay provided by employers was equivalent to the sickness benefit.

28. Ms. BISMILLAH (United Kingdom) said that there was no statutory sick pay scheme in Jersey, nor was there any intention of establishing one. Jersey operated a contributory sickness and injury benefit scheme through its social security system. Benefits in compensation for loss of earnings were higher than social security benefits and were index-linked. Many companies continued to pay employees while they were sick, subsequently recovering the payments from the employee. The self-employed were covered through the social security system.

29. Mr. ROBERTS (United Kingdom) said that the written replies by the Government (HR/CESCR/NONE/2002/4) contained a detailed explanation of the system of sick pay in Guernsey, which, in the private sector, was a contractual matter between employer and employee. However, public-sector employees were covered by a contractual arrangement under which generous rates of sick pay were paid for up to 12 months.

30. Mr. FIFOOT (United Kingdom) confirmed that, under the new provisions, the sole criteria for a strike to be official were a ballot of prospective participants and the existence of a trade dispute. He referred the Committee to the explanation given in the report (E/C.12/4/Add.8). It went without saying that no secondary action could be involved.

Articles 10-12 of the Covenant

31. Mr. ATANGANA said he was particularly perturbed at the fate of women and children in the United Kingdom. Despite a variety of legal measures and enforcement structures, the situation of women was reportedly still unfavourable: they were too often the victims of domestic violence, and some were even murdered. Trafficking in women was not abating, and since it involved women who were illegal immigrants they dared not lodge complaints with the police.

32. The fate of children seemed equally bleak. The poverty experienced by millions of poor children not only affected their education, but made them subject to violence in the home, ill-treatment in prisons and schools, and to many forms of discrimination. Despite the Committee's recommendation in its 1997 concluding observations regarding corporal punishment of children, they were still beaten, and a right of "reasonable chastisement" was conferred on parents. Since the State party patently did not intend to amend its legislation to offer children the same protection as adults, as it had been enjoined to do by the European Court of Human Rights, what measures did it envisage instead?

33. Mr. KOLOSOV asked whether the State party was taking any measures to reduce the widening gap between rich and poor, which was comparable to that in his own country, a country in transition. According to information he had received, one family in five in the United Kingdom could not afford adequate heating, and over a thousand people slept on the streets at night, although housing programmes for low-income earners was a requirement of the Covenant. With some 4 million living below the poverty line, what steps were the authorities taking to ensure that future generations grew up in reasonable conditions?

34. He would also welcome the delegation's comments on the unhelpful attitude of the police towards the parents of a group of children harassed as they were entering their Catholic school in Belfast, which was at variance with article 13, on the right to education of one's choice.

35. Mr. THAPALIA, supporting other Committee members' remarks concerning the fate of women and children, asked what measures were in place and what resources had been earmarked to combat discrimination against women and children, and what impact they had had. He would also like to know what steps were being taken to reduce violence in the United Kingdom, whether single-sex unions were legal, and what the legal status of children born out of wedlock was.

36. Mr. CEAUSU asked how the State party envisaged discouraging the high percentage of school-age children legally employed in Northern Ireland from working; he noted the assertion in paragraph 10.38 of the report (E/C.12/4/Add.8) that children aged 13-16 could only work in certain conditions. Did it plan to raise the minimum age for child labour?

37. With regard to the problem of "rough sleepers" (E/C.12/4/Add.8, para. 11.141), he stressed that solutions should be based on respect for human rights and the dignity of the person concerned. Given that the majority of rough sleepers suffered from medical difficulties such as alcoholism, drug addiction or severe mental health problems, he suggested that an effective approach would be to deal with the issue from a medical standpoint and provide appropriate treatment.

38. Mr. RIEDEL asked for information on the general trend in the use of private health services since 1995, the latest year for which figures were provided in the State party's answer to question 31 in the list of issues. He welcomed the introduction of a new regulatory system aimed at guaranteeing national minimum standards in the private health sector, saying that it could serve as an example of best practice for other countries, but pointed out that the Committee was particularly concerned by the problem of access to adequate health services by the poorest and most disadvantaged sectors of the population. He would therefore like to know if waiting lists had been cut and waiting times reduced significantly. He asked what the Government's policy was on providing tertiary care, which was often the most expensive kind of care, to the most vulnerable members of society. He also asked if people living in the Overseas Territories and Crown Dependencies enjoyed the same levels of access to basic health care as United Kingdom residents.

39. The State party's reply to question 32, on prison conditions, described some improvements in sanitary conditions and in-cell privacy, but there still seemed to be a problem of overcrowding. He asked for more precise figures to clarify the situation, noting that the number of new prison places created since 1996 accounted for only about half the increase in the number of prisoners in the eight years up to 2001. He wondered if the Government had set any targets for reducing the prison population or increasing the number of prison places.

40. Mr. AHMED drew attention to two of the problems mentioned in the Committee's concluding observations in 1997: the number of children placed in foster homes rather than in children's homes, with the accompanying rise in abuse of children in foster care, and the high number of children permanently excluded from school, including a disproportionately high number of children of Afro-Caribbean origin. He would welcome updated figures on the numbers of children placed in foster care or excluded from school and would like to know if there had been any change in government policy in those areas.

41. Mr. WIMER ZAMBRANO asked for more information on corporal punishment in the United Kingdom, where it appeared to persist in some schools and homes, and in the Overseas Territories, especially the British Virgin Islands, where it was apparently not yet banned. He expressed surprise that the United Kingdom had the highest level of teenage pregnancies in Western Europe, and wondered why that should be the case when it had been one of the first countries to provide sex education in schools. On a related point, he asked for clarification on the legality of abortion in the different parts of the United Kingdom.

42. Mr. MALINVERNI noted that the recently adopted Homelessness Act required local authorities to prepare a five-year strategy to prevent and deal with homelessness and asked what effect the Act was having. Pointing out that two thirds of Pakistanis and Bangladeshis lived in poverty, as compared with one fifth of the white population, he invited the delegation to comment on the reasons why minorities were hardest hit by poverty. Lastly, he asked for information on any measures taken by the Government to try to close the widening gap between rich and poor in the United Kingdom.

43. Mr. HUNT welcomed the measures taken by the Government to ban corporal punishment in England, Wales and Scotland, and its announced intention to do the same in Northern Ireland, as recommended in the Committee's concluding observations in 1997. However, he drew attention to the decision of the European Court of Human Rights in the case of A. v. the United Kingdom, involving a child who had been beaten by his stepfather, in which the Court had rejected the United Kingdom's argument that the punishment was reasonable chastisement and found that there had been a breach of the European Convention on Human Rights. The Government had subsequently announced that it would change its domestic legislation but later said it did not need to do so as the incorporation of the European Convention on Human Rights into British law would provide adequate protection for children. Since then, unfortunately, domestic courts in the United Kingdom had acquitted parents who admitted injuring their children. He wished to know what steps the Government was planning to take to protect children from corporal punishment in the home.

44. With regard to the right to housing, he commented on the case, reported in Family Law Report 2001, of a pregnant single mother with three young children who had been evicted by a housing association and who had thus deliberately been made homeless: that was precisely the kind of case in which the International Covenant on Economic, Social and Cultural Rights could be invoked to protect particularly vulnerable individuals.

45. Mr. PILLAY said that although the number of children living in poverty in the United Kingdom had fallen since 1997, the figures were still grim, with two out of five children in London living in poverty. He asked if the Government's strategy to reduce poverty was based on a human rights approach and if it took into account the Committee's statement on poverty, particularly its comments on States' core obligations in respect of economic, social and cultural rights (E/C.12/2001/10, paras. 14-17). He also asked what steps the Government was taking to reduce child poverty in Northern Ireland, where children from unskilled and disadvantaged backgrounds were twice as likely to die before the age of 15 from illness or an accident. He noted that the Government had fallen well short of its targets for lifting children out of poverty and wondered what changes it planned to make to an anti-poverty strategy that was clearly not working.

46. Ethnic minorities were particularly likely to suffer from housing problems, with Pakistani and Bangladeshi households more likely to be overcrowded. The bed and breakfast accommodation provided for the homeless was often cramped and unsuitable. He asked if the Government expected to be able to meet its pledges to end the use of such accommodation by 2004 and to cut the number of homeless by two thirds before the end of 2002, especially at a time when house prices were rising dramatically and fewer new houses were being built.

He would like to know if the Homelessness Act made any provision for ensuring that accommodation was appropriate to the real needs of the homeless and also if the recent White Paper on housing policy was being implemented. He would also like to know what steps were being taken to ensure that local authorities fulfilled their obligations to provide caravan sites for Travellers and gypsies; it appeared that only half the needed sites had been made available.

47. Lastly, he noted that the Care Standards Act 2000 guaranteed standards of care in not-for-profit homes for the elderly. Given that local authorities had closed many of their own homes for financial reasons, he wondered if the Government was prepared to provide financial assistance to the charities running such homes.

48. Mr. SADI said he found an element of discrimination in the abortion legislation in Northern Ireland, in that the rich could afford to go elsewhere for an abortion while the poor had little choice but to risk an illegal abortion. In effect, a double standard was operating.

49. On a more general point, he was curious to know whether the United Kingdom's experience with its National Health Service was similar to that of other countries with similar systems for delivering health services, where the trend was towards privatization as more and more of them found that their systems were not working well.

50. He would welcome further information on government campaigns against smoking and drug abuse, as well as on the primary causes of death in the United Kingdom. If the incidence of diseases such as cancer or cardiovascular disease was on the increase there, as it was in some other countries, he would like to know to which factors the Government attributed the increase.

51. Mr. RIEDEL drew attention to a report submitted to the Committee by a non-governmental organization, Physicians for Health - UK, in which it was claimed that prison was a high-risk environment for the spread of serious diseases such as hepatitis B and C and human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS). The report also claimed that the prevalence rate for HIV/AIDS was 13 times higher among women in prison than in the general population and that drug abuse was a serious problem in prisons. In the light of those claims, he would like to know whether the Government provided or intended to make condoms and clean needles available to prisoners and to provide them with appropriate immunization.

52. The report also claimed that applicants for medical school from ethnic and minority groups, as well as male applicants, were disadvantaged in the selection process, that black and Asian doctors were more likely to end up working in unpopular specialities and that black, Asian and women doctors were more likely to be bullied. He asked what steps the Government was taking to eliminate discrimination in the selection process and employment opportunities and to put a stop to bullying.

53. Lastly, he asked what strategies the Government had in place to ensure that everyone had access to palliative care, which was unevenly distributed and inadequately funded.

54. Mr. HUNT said he would be interested to know whether the standard of basic services provided by the State party in compliance with its international obligations was intended to be uniform throughout the United Kingdom and all its Overseas Territories. For example, was it the intent of the Government to provide health services in the Overseas Territories equivalent to those provided in the United Kingdom itself? Alternatively, were the standards of service that could properly be expected seen in relation to those in neighbouring independent countries? Such a view would constitute a clear case of double standards and would therefore be discriminatory.

55. Mr. MARTYNOV said that the reporting State should clarify the age of criminal responsibility. On the issue of adoption, he said that according to non-governmental organizations, the vast majority of children placed in foster care or put up for adoption came from families living in poverty. He would be interested to know whether poverty was a sufficient ground for taking a child away from his or her family; if that was the case, would it not be better for the Government to provide more support to families living in poverty, in order to preserve family unity?

56. The Homelessness Act 2002 had been introduced with a view to improving the protection available for unintentionally homeless people; however, section 14 of the Act prevented local authorities from allocating housing to certain groups of people. The State party should indicate which categories of persons were excluded from homelessness protection and whether the Government intended to retain that particular provision of the Act.

57. On health care, he said that three out of every four senior health-care managers reportedly believed that age discrimination existed in the provision of services. According to the same reports, while elderly people were more likely to suffer from heart disease, they were less likely than younger patients to be given the most effective treatment; elderly people also received less funding for residential and nursing care than younger adults. It would be interesting to know whether the Government had taken any corrective measures.

58. Mr. KOLOSOV said that the Convention on the Rights of the Child provided that all children had a right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. It would be interesting to learn whether that right was guaranteed to all children in the United Kingdom, regardless of their status and financial situation, and regardless of whether the care was provided in the public or private sector.

59. Mr. FIFOOT (United Kingdom) said that it was important to differentiate between "homelessness", which described individuals who did not have a permanent home and included those in temporary housing, and "rooflessness", which described individuals who slept on the streets. The Government had adopted a number of initiatives throughout the United Kingdom to address the problem of rough sleepers, and the situation was now considered manageable. Key achievements included the creation of 800 additional hostel beds; the establishment of separate centres in London for younger and older rough sleepers; the creation of services to combat drug and alcohol abuse; the creation of teams in major cities to help former rough sleepers move into independent accommodation with work, education or training opportunities; and the creation of

teams of volunteers providing counselling and medical assistance to those living on the streets. In London alone, such teams had helped some 16,000 rough sleepers into accommodation in the course of one year and significant progress had been made in other major cities. The Government could not force people to accept medical treatment unless they were considered to be a particular danger to society, but could encourage them to go to places where medical facilities and housing were available. A private organization had set up a scheme to help to find accommodation, clothes and jobs for vulnerable individuals who had recently been released from prison or who had left care institutions.

60. On the issue of housing, he said that in recent years there had been a serious decline in the construction of social housing. The Government had encouraged a transfer of ownership of social housing from municipalities to housing associations, which were able to provide better management while offering subsidized rents. The Government had also set up a range of schemes to help people to buy their own homes and to keep them in the event of financial difficulty. For example, a "buy-back" system had been introduced to enable homeowners to sell part of their home back to their council or housing association while keeping the home's equity and the right to reside in the house.

61. Certain people were unable to benefit from social housing. In the case referred to by Mr. Hunt, a court had ruled that a young woman with children was not eligible for priority housing because she was intentionally homeless. Local authorities had an obligation to provide housing to people who were unintentionally homeless. They were also obliged to assist individuals who were intentionally homeless to find temporary accommodation if they fell within the priority groups of people with young children, people with elderly relatives, or particularly vulnerable people. The Homelessness Act 2002 had broadened the definition of those who were eligible for priority treatment to include people under the age of 18 and people who had recently left prison.

62. Violence against women was a growing problem. Approximately one quarter of all violent crimes involved offences against women. Reports revealed that in many cases the perpetrators were the intimates of victims. The Government had taken steps to increase the number of shelters and to provide permanent housing for women victims of domestic violence; for example, the Safer Community Housing Fund provided funding to provide housing and support for victims of domestic violence, young people at risk, offenders and those who abused drugs or alcohol.

63. The problem of trafficking of women and children for the purpose of prostitution was extremely difficult to address. There was a panoply of laws designed to punish those who engaged in trafficking and a number of programmes had been introduced to combat it. The Government was endeavouring to assist the victims of trafficking and supported programmes to address the problem at its source; for example, it was working with the International Labour Organization in its programme to combat the trafficking of women and children in Cambodia, China, Laos, Thailand and Viet Nam. It was also participating in an international anti-slavery programme in West Africa, where it was encouraging local organizations to end trafficking and the abuse of child domestic workers, and in an anti-trafficking programme in the Balkans.

64. With respect to corporal punishment, he said that the Government would continue to take strong action to protect children from domestic violence. However, it wished to avoid heavy-handed intrusion into family life. It did not believe that the Convention on the Rights of the Child or the Human Rights Act required a blanket prohibition of reasonable chastisement. A law to prohibit the smacking of children would be unpopular and unenforceable. The Government would keep the issue under review to ensure that the Human Rights Act provided children with adequate protection from chastisement, but for the time being there would be no overall ban in England and Wales. However, in Scotland, a proposal had been made to prohibit the physical punishment of children under the age of three and the use of any instruments to punish children.

65. Regarding the intimidation of pupils going to the Holy Cross School in Northern Ireland, he said that the police had endeavoured to keep the intimidators away from the children and their parents but had been unable to stop the verbal abuse. It was very difficult for the Government to know how to address the problem, because while it did not wish to prevent children from exercising their right to go to school, it also recognized the right of people to demonstrate. He felt that the strong criticism of the police in that case was unfair. The police had endeavoured to carry out their job impartially.

66. In civil law there was no provision for the marriage of two persons of the same sex. However, some local authorities had been prepared to register a commitment between two persons of the same sex and in some cases a church had issued a blessing.

67. It was difficult to determine the impact of media interest in defects in the National Health Service. The Government remained convinced that the only way to fund a universal health service was through the system of taxation, and it was unlikely that a universal private health-care system would be introduced. It was important to recognize that private health facilities were negligible in comparison with those provided by the National Health Service. Some facilities were shared by both the private sector and the public sector. The National Health Service was operating reasonably well, despite having some difficulties. The problem of long waiting lists was being addressed and the situation had improved in recent months.

68. Treatment for heart disease was available to both men and women on an equal basis. If the statistics provided seemed to suggest that men received more favourable treatment, it was perhaps because men under the age of 75 were three times more likely than women to suffer from heart disease. The Government had launched a campaign to raise awareness of the dangers of smoking and the need for a good diet, which were the main causes of heart disease. Both factors were more prevalent among the less affluent social classes.

69. He had received a copy of the report by Physicians for Human Rights - UK only a few days previously so was not in a position to comment on all the issues raised in it. However, guidelines had been introduced to ensure that medical students were selected on merit.

The meeting rose at 6 p.m.